

GEORGE M. RANALLI, ESQ.  
Nevada Bar No. 5748  
**MICHAEL G. TRIPPIEDI, ESQ.**  
Nevada Bar No. 13973  
**RANALLI ZANIEL FOWLER & MORAN, LLC**  
2400 W. Horizon Ridge Parkway  
Henderson, Nevada 89052  
Telephone: (702) 477-7774  
ranalliservice@ranallilawyers.com  
Attorney for Defendant,  
*OUTBACK STEAKHOUSE OF FLORIDA, LLC*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ROBERTA REED, an individual,

Plaintiff,

vs.

**PETITION FOR REMOVAL**

OUTBACK STEAKHOUSE OF FLORIDA,  
LLC, a foreign limited  
liability company; CERCA TROVA  
SOUTHWEST RESTAURANT GROUP,  
LLC, a foreign limited  
liability company; DOES 1  
through 10; ROE CORPORATIONS 11  
through 20; and ABC LIMITED  
LIABILITY COMPANIES 21 through

Defendants.

Defendant OUTBACK STEAKHOUSE OF FLORIDA, LLC d/b/a OUTBACK STEAKHOUSE, reserving all rights defenses exceptions and claims and without waiver thereof, hereby removes the above-entitled action from the District Court for the State of Nevada, County of Clark, to the United States District Court for the District

1 of Nevada pursuant to 28 U.S.C. section 1441(a), et seq. In  
2 support of this Petition of Removal, Outback states as follows:

3 **I.**

4 **RELEVANT BACKGROUND**

5 1. Plaintiff ROBERTA REED commenced this matter styled  
6 *Roberta Reed v. Outback Steakhouse of Florida, LLC, et. al* in  
7 the Eighth Judicial District Court for the State of Nevada in  
8 and for the County of Clark as Case Number A-18-785452-C  
9 (Department 17) on December 4, 2018.

10 2. Plaintiff served her summons and complaint on Outback  
11 by serving the materials personally to the Registered Agent,  
12 Corporate Creations Network Inc. on December 13, 2018. A true  
13 and correct copy of the summons and complaint is attached hereto  
14 as **Exhibit A**.

15 3. This is a civil action for premises liability  
16 negligence.

17 **II.**

18 **CITIZENSHIP**

19 4. The district courts of the United States have original  
20 jurisdiction of this action by virtue of 28 U.S.C. section 1332  
21 because there is complete diversity of citizenship between the  
22 parties.

23 5. Outback is now, and was at the time the State Court  
24 action was filed, a duly licensed corporation incorporated in

1 the State of Florida with its principal place of business in  
2 Tampa, Florida. It has never been a citizen of the State of  
3 Nevada.

4 6. Defendant Cerca Trova Southwest Restaurant Group, LLC  
5 is now, and was at the time of the State Court action was filed,  
6 a duly licensed corporation incorporated in the State of  
7 California with its principal place of business in La Jolla,  
8 California.

9 7. Outback is informed and believes that Ms. Reed is now,  
10 and was at the time the State Court action was filed, a resident  
11 of Clark County, Nevada.

12 8. The DOE Defendants in this action have not been  
13 identified and are merely nominal parties without relevance to  
14 the action. Therefore, the citizenship of Defendants sued under  
15 fictitious names shall be disregarded in accordance with 28  
16 U.S.C. section 1441 (b).

17 III.

18 AMOUNT IN CONTROVERSY

19 On September 14, 2017, Outback received Plaintiff's Demand,  
20 which alleges substantial treatment and medical bills received  
21 totaling \$19,515.79. Pursuant to the Demand, Plaintiff demanded  
22 \$97,600 to settle all her claims against Outback. See **Exhibit**  
23 **B**, Plaintiff's September 14, 2017 Demand. On November 19, 2018,  
24 Outback received a second Demand from Plaintiff, this time

1 alleging \$21,990.20 in past medical bills, and demanding  
 2 \$97,500.00 to settle the claim. See **Exhibit C**, Plaintiff's  
 3 November 19, 2018 Demand. Outback believes Plaintiff is seeking  
 4 more than \$90,000 to settle her claim. Therefore, it is  
 5 reasonable to conclude that the amount in controversy exceeds  
 6 \$75,000.

7 **IV.**

8 **TIMELINESS OF REMOVAL PETITION**

9 9. Plaintiff filed the complaint on December 4, 2018, and  
 10 served it on Outback on December 13, 2018. Removal is timely as  
 11 Outback filed this notice of removal within thirty days of  
 12 service, and within one year of the complaint's filing. 28  
 13 U.S.C. § 1446(b). 28

14 **V.**

15 **VENUE**

16 10. Venue is proper in the United States District Court,  
 17 Southern District of Nevada, as Ms. Reed filed the complaint in  
 18 the District Court for the State of Nevada, in and for the  
 19 County of Clark. 28 U.S.C. § 1331.

20 11. The adverse parties received written notice of the  
 21 filing of this petition, and Outback filed a notice of removal  
 22 with the Clerk of the District Court in and for the State of  
 23 Nevada, County of Clark, pursuant to 28 U.S.C. section 1446 (d).  
 24 / / /

1 WHEREFORE, Outback prays that this action be removed to the  
2 United States District Court, District of Nevada, from the  
3 District Court of Nevada, County of Clark.

4 DATED this 2<sup>nd</sup> day of January, 2019.

5 **RANALLI ZANIEL FOWLER & MORAN, LLC**

6  
7 By */s/ George Ranalli*

8 **GEORGE M. RANALLI, ESQ.**

9 Nevada Bar No. 5748

10 **MICHAEL G. TRIPPIEDI, ESQ.**

11 Nevada Bar No. 13973

12 Attorney for Defendant

13 OUTBACK STEAKHOUSE OF FLORIDA,  
14 LLC d/b/a OUTBACK STEAKHOUSE

**CERTIFICATE VIA CM/ECF**

Pursuant to FRCP 5, I hereby certify that I am an employee of RANALLI ZANIEL FOWLER & MORAN, LLC, and that on the 2<sup>ND</sup> day of January, 2019, I caused to be served via CM/ECF a true and correct copy of the document described herein.

Document Served: PETITION FOR REMOVAL

Person(s) Served:

Brian D. Nettles, Esq.  
Jennifer A. Peterson, Esq.

NETTLES LAW FIRM  
389 Galleria Drive, Suite 200  
Henderson, Nevada 89014  
**VIA ELECTRONIC SERVICE**  
Attorneys for Plaintiff,  
ROBERTA REED

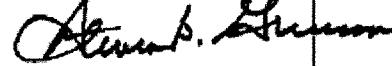
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RANALLIZANIEL FOWLER & MORAN, LLC  
2400 WEST HORIZON RIDGE PARKWAY  
HENDERSON, NEVADA 89052  
TELEPHONE: (702) 477-7774 FAX: (702) 477-7778

# EXHIBIT “A”

Electronically Filed  
12/4/2018 1:47 PM  
Steven D. Grierson  
CLERK OF THE COURT



1 COMP

2 BRIAN D. NETTLES, ESQ.  
3 Nevada Bar No. 7462  
4 JENNIFER A. PETERSON, ESQ.  
5 Nevada Bar No. 11242  
6 NETTLES LAW FIRM  
7 1389 Galleria Drive, Suite 200  
8 Henderson, Nevada 89014  
Telephone: (702) 434-8282  
Facsimile: (702) 434-1488  
[brian@nettlesmorris.com](mailto:brian@nettlesmorris.com)  
[jennifer@nettlesmorris.com](mailto:jennifer@nettlesmorris.com)  
*Attorneys for Plaintiff*

9

10

11 ROBERTA REED, an individual,

12 Plaintiff,

13 vs.

14 OUTBACK STEAKHOUSE OF FLORIDA,  
15 LLC, a foreign limited liability company;  
16 CERCA TROVA SOUTHWEST  
17 RESTAURANT GROUP, LLC, a foreign  
18 limited liability company; DOES 1 through 10;  
19 ROE CORPORATIONS 11 through 20; and  
20 ABC LIMITED LIABILITY COMPANIES 21  
21 through 30

22 Defendants.

23 CASE NO.: A-18-785452-C

24 DEPARTMENT NO.: Department 13

25 C O M P L A I N T

26 COMES NOW Plaintiff, ROBERTA REED, by and through her counsel, Brian Nettles,  
27 Esq., and Jennifer A. Peterson, Esq. of Nettles Law Firm, and for her causes of action against  
28 Defendants above named, complains and alleges as follows:

29 ///

30 ///

31 ///

## **GENERAL ALLEGATIONS**

1. Plaintiff ROBERTA REED ("Plaintiff"), is a resident of Douglas County, NV who, at all relevant times, was present in Clark County, NV.

2. Upon information and belief, Defendant OUTBACK STEAKHOUSE OF FLORIDA, LLC (“Defendant Outback”) is, and at all relevant times was, a Florida limited liability company licensed to do business in Clark County, Nevada.

3. Upon information and belief, Defendant CERCA TROVA SOUTHWEST RESTAURANT GROUP, LLC (“Defendant Cerca” or collectively with Defendant Outback as “Defendants”) is, and at all relevant times was, a Florida limited liability company licensed to do business in Clark County, Nevada.

4. Upon information and belief, and at all times relevant, Defendant Outback and/or Defendant Cerca own, occupy, operate, control, and manage the restaurant/food service business located at 521 N. Stephanie St, Henderson, Nevada, 89014, commonly known as the Outback Steakhouse (“Subject Premises”).

5. Plaintiff is informed, believes and thereon alleges that all of the acts, omissions and conduct described below of each and every corporate Defendant was duly authorized, ordered, and directed by the respective and collective Defendant corporate employers, officers, and management-level employees of said corporate employers. In addition thereto, said corporate employers participated in the aforementioned acts and conduct of their said employees, agents and representatives and each of them; and upon completion of the aforesaid acts and conduct of said corporate employees, agents and representatives, the Defendant corporations, respectively and collectively, ratified, accepted the benefits of, condoned, lauded, acquiesced, approved, and consented to each and every of the said acts and conduct of the aforesaid corporate employees, agents and representatives.

6. The true names and capacities, whether individual, corporate, associate, governmental or otherwise, of defendants Does 1 through 10, Roe Corporations 11 through 20 and ABC Limited Liability Companies 21 through 30 ("Does/Roe/ABC Defendants"), inclusive, are unknown to Plaintiff at this time, whom therefore sues said defendants by such fictitious names.

1 When the true names and capacities of said defendants have been ascertained, Plaintiff will amend  
2 this Complaint accordingly.

3       7. On information and belief, Does/Roe/ABC Defendants participated in the design,  
4 construction, maintenance, ownership, management, control, operation, care, and/or upkeep of the  
5 Subject Premises; Does/Roe/ABC Defendants include, but are not limited to, owners, operators,  
6 occupiers, lessees, managers, manufacturers, developers, producers, general contractors,  
7 subcontractors, security companies, maintenance companies, material providers, equipment  
8 providers, architects, designers, engineers, governmental authorities, insurers, lenders, investors,  
9 and their agents, servants, representatives, employees, partners, joint venturers, related companies,  
10 subsidiaries, parents, affiliates, predecessors, partners and/or successors in interest.

11       8. On information and belief, Does/Roe/ABC are responsible, negligently or in some  
12 other actionable manner, for the events and happenings hereinafter referred to, and caused injuries  
13 and damages proximately thereby to Plaintiff as hereinafter alleged.

14       9. On information and belief, Does/Roe/ABC Entities were involved in the initiation,  
15 approval, support or execution of the wrongful acts upon which this litigation is premised, or of  
16 similar actions against Plaintiff of which Plaintiff is presently unaware.

17       10. On information and belief, on December 23, 2016, Plaintiff was a patron dining at  
18 the Subject Premises.

19       11. Near the exit to the ladies' restroom at the Subject Premises, a large quantity of  
20 water had pooled on the floor ("Subject Condition")

21       12. As Plaintiff exited the ladies' restroom, she slipped on the Subject Condition and  
22 fell hard to the floor, splitting her head open and knocking her unconscious ("Subject Incident").

23       13. The Subject Condition was an unmarked, unattended dangerous condition.

24       14. On information and belief, the Subject Condition was created by Defendant  
25 Outback and/or Defendant Cerca, and/or was a condition of which Defendant Outback and/or  
26 Defendant Cerca had actual or constructive notice prior to the Subject Incident. Also, the Subject  
27 Condition was a dangerous condition which should have been remedied and/or warned of prior to  
28 the Subject Incident.

NETTLES LAW FIRM  
1389 Galleria Drive Suite 200  
Henderson, NV 89014  
(702) 434-8282 / (702) 434-1488 (fax)

15. These negligent acts were committed by the employees and/or agents of Defendant Outback and/or Defendant Cerca acting in the course and scope of their employment and under the direction and control of Defendant Outback and/or Defendant Cerca, and thus Defendants are vicariously liable for these acts pursuant to the doctrine of *respondeat superior*.

16. As a direct and proximate result of the acts or omissions of Defendants, and each of them, Plaintiff was required to obtain medical services and treatment and may, in the future, be required to obtain additional medical services and treatment.

17. As a further direct and proximate result of the negligence of Defendants, and each of them, Plaintiff has suffered injuries to her body, as well as pain and suffering.

18. Plaintiff has been damaged by the negligence of Defendants, and each of them, in an amount in excess of \$15,000.00.

19. As a direct and proximate result of the actions or omissions of Defendants, and each of them, Plaintiff has had to retain the services of the law offices of Nettles Law Firm to pursue this action and is entitled to recover costs of suit and reasonable attorney's fees incurred herein.

**FIRST CAUSE OF ACTION**

### **(Negligence)**

20. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 19 as though fully set forth herein.

21. At all relevant times, Defendants, and each of them, owed a non-delegable duty to Plaintiff to keep the Subject Premises free of dangerous conditions or to otherwise warn Plaintiff of dangerous conditions.

22. On information and belief, Defendants, and each of them, breached the non-delegable duties they owed to Plaintiff by creating and/or knowingly and/or negligently allowing the Subject Condition to exist and persist on the Subject Premises prior to the Subject Incident, and by consciously, deliberately, and/or negligently failing to take any measure to remedy or to warn of the existence of the Subject Condition.

23. These negligent acts were committed by the employees and/or agents of Defendant Outback and/or Defendant Cerca acting in the course and scope of their employment and under

1 the direction and control of Defendant Outback and/or Defendant Cerca, and thus Defendants are  
2 vicariously liable for these acts pursuant to the doctrine of *respondeat superior*.

3 24. As a direct and proximate result of the acts or omissions of Defendants, and each  
4 of them, Plaintiff was required to obtain medical services and treatment and may, in the future, be  
5 required to obtain additional medical services and treatment.

6 25. As a further direct and proximate result of the negligence of Defendants, and each  
7 of them, Plaintiff has suffered injuries to her body, as well as pain and suffering.

8 26. Plaintiff has been damaged by the negligence of Defendants, and each of them, in  
9 an amount in excess of \$15,000.00.

10 27. As a direct and proximate result of the actions or omissions of Defendants, and each  
11 of them, Plaintiff has had to retain the services of the law offices of Nettles Law Firm to pursue  
12 this action and is entitled to recover costs of suit and reasonable attorney's fees incurred herein.

### SECOND CAUSE OF ACTION

#### **(Negligent Hiring, Training, Retention, and Supervision)**

15 28. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1  
16 through 27 as though fully set forth herein.

17 29. Defendants, and each of them, owed a non-delegable duty to Plaintiff to exercise  
18 due care in the selection, training, oversight, direction, retention, and control of their employees  
19 and agents, including the person(s) responsible for maintaining, cleaning, inspecting, and  
20 otherwise controlling the cleanliness of the floors at the Subject Premises.

21 30. Defendants, and each of them, breached their non-delegable duty to Plaintiff by  
22 failing to properly hire, retain, train, staff, and supervise the person(s) responsible for maintaining,  
23 cleaning, inspecting, and otherwise controlling the cleanliness of the floors at the Subject Premises.

24 31. As a direct and proximate result of the acts or omissions of Defendants, and each  
25 of them, Plaintiff was required to obtain medical services and treatment and may, in the future, be  
26 required to obtain additional medical services and treatment.

27 32. As a further direct and proximate result of the negligence of Defendants, and each  
28 of them, Plaintiff has suffered injuries to her body, as well as pain and suffering.

33. Plaintiff has been damaged by the negligence of Defendants, and each of them, in an amount in excess of \$15,000.00.

34. As a direct and proximate result of the actions or omissions of Defendants, and each of them, Plaintiff has had to retain the services of the law offices of Nettles Law Firm to pursue this action and is entitled to recover costs of suit and reasonable attorney's fees incurred herein.

**WHEREFORE**, Plaintiff prays for judgment against the Defendants, and each of them, as follows:

1. For damages in excess of \$15,000.00 for past and future medical expenses, and past and future pain and suffering;
2. For interest as permitted by law;
3. For costs and attorney's fees; and
4. For such other and further relief as the Court deems proper.

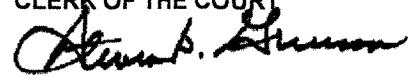
DATED this 30 day of November, 2018.

## NETTLES LAW FIRM

BRIAN D. NETPLES, ESQ.  
Nevada Bar No. 7462  
JENNIFER A. PETERSON, ESQ.  
Nevada Bar No. 11242  
1389 Galleria Drive, Suite 200  
Henderson, Nevada 89014  
*Attorneys for Plaintiff*

1 AFFT  
 2 Nettles Law Firm  
 3 Jennifer A. Peterson, Esq.  
 4 1389 Galleria Dr., #200  
 5 Henderson, NV 89014  
 6 State Bar No.: 11242  
 7 Attorney(s) for: Plaintiff(s)

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 Steven D. Grierson  
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6 DISTRICT COURT  
 7 CLARK COUNTY, NEVADA

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 10 Roberta Reed, an individual

11 vs

12 Plaintiff(s)

13 Outback Steakhouse of Florida, LLC, a foreign limited liability  
 14 company; et. al.

15 Defendant(s)

16 Case No.: A-18-785452-C

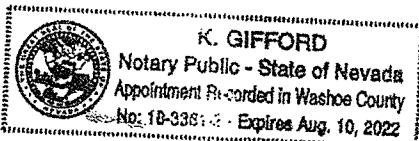
17 Dept. No.: 13

18 Date:

19 Time:

20 AFFIDAVIT OF SERVICE

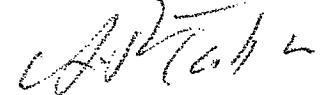
21 I, Abraham Fattahi Tabari, being duly sworn deposes and says: That at all times herein affiant was and is a citizen  
 22 of the United States, over 18 years of age, licensed to serve civil process in the State of Nevada under license #604,  
 23 and not a party to or interested in the proceeding in which this affidavit is made. The affiant received 1 copy(ies) of  
 24 the: Summons; Complaint on the 12th day of December, 2018 and served the same on the 13th day of  
 25 December, 2018 at 2:34 pm by serving the Defendant(s), Cerca Trova Southwest Restaurant Group, LLC, a  
 26 foreign limited liability company by personally delivering and leaving a copy at Cogency Global Inc., 321 W.  
 27 Winnie Ln., #104, Carson City, NV 89703 with Vicki Joy, Operations Manager pursuant to NRS 14.020 as a  
 28 person of suitable age and discretion at the above address, which address is the address of the registered agent as  
 29 shown on the current certificate of designation filed with the Secretary of State.



State of Nevada, County of Washoe

SUBSCRIBED AND SWORN to before me on this

14th day of December 2018



Affiant - Abraham Fattahi Tabari # R-100148

Legal Process Service License # 604

WorkOrderNo 1808129

192 Notary Public K. Gifford

RANALLIZANIEL FOWLER & MORAN, LLC  
2400 W. HORIZON RIDGE PARKWAY  
HENDERSON, NEVADA 89052

TELEPHONE: (702) 477-7774 FAX: (702) 477-7778

**EXHIBIT "B"**

TIME RECEIVED  
September 14, 2017 7:43:21 PM CDT      REMOTE CSID  
Fax      DURATION 1195      PAGES 30      STATUS Failed to

ERROR CODE ( 700 )  
Error in fax transmission.

9/14/2017 5:23 PM FROM: Fax GOLIGHTLY TO: 1813-262-0285 PAGE: 001 OF 047



GOLIGHTLY & VANNAH  
5555 KIEZKE LANE  
SUITE 150  
RENO, NV 89511  
TEL. (775) 222-3333  
FAX (775) 420-4182  
WWW.GOLIGHTLYANDVANNAH.COM

September 14, 2017

VIA FAX # 813-262-0285 & U.S. MAIL

Henry Dailey  
Gallagher Bassett Services, Inc.  
PO box 21227  
Tampa, FL 33622

Our Client(s): TOBERTA REED  
Your Insured: OUTBACK STEAKHOUSE  
Claim Number: 005269-066829-GB-01  
Date of Injury: 12/23/2016

Dear Mr. Dailey:

In support of our client's claim we submit herewith the various items of special damages incurred by our client. It is our hope the enclosed data will better enable you to evaluate the claim and lay the foundation for settlement discussion.

The medical specials for our client are as follows:

Henderson Hospital	\$ 14,196.00
City of Henderson	985.53
Shadow Emergency Services	2,746.00
Desert Radiology Solutions	443.26
HD Retina Eye Center	245.00
Cason Tahoe Physicians Clinic	900.00
<b>TOTAL MEDICAL</b>	<b>\$ 19,515.79</b>

Due to the nature and extent of the injuries incurred by our client, we evaluate this case at \$97,600.00 and we would request that you tender this amount immediately in order for our client to sign a full release of all claims.

PLEASE NOTE THAT THIS OFFICE POSSESSES A WRITTEN LIEN FOR ATTORNEY'S FEES AND COSTS ADVANCED IN THIS MATTER WHICH HAS BEEN EXECUTED BY OUR CLIENT(S). YOU ARE THEREFORE REQUESTED TO INCLUDE THE NAME OF THIS OFFICE ON ANY DRAFTS OR OTHER NEGOTIABLE INSTRUMENTS GIVEN OR TENDERED AS PAYMENT ON ANY CLAIM, VERDICT, JUDGMENT, AWARD OR SETTLEMENT ARISING OUT OF THE ABOVE-CAPTIONED MATTER.

September 14, 2017

Page 2 of 2

If you have any questions or comments regarding the above, please feel free to call this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Chad M. Golightly".

Chad M. Golightly, Esq.

CMG:mp  
Encl.

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RANALLIZANIEL FOWLER & MORAN, LLC  
2400 W. HORIZON RIDGE PARKWAY  
HENDERSON, NEVADA 89052  
TELEPHONE: (702) 477-7774 FAX: (702) 477-7778

## EXHIBIT "C"

Brian D. Nettles, Esq.

Christian M. Morris, Esq.\*

*\*Also licensed in California and New Jersey*

William R. Killip, Jr., Esq.

Edward J. Wynder, Esq.

Jennifer Peterson, Esq.

Kylee L. Gloeckner, Esq.



*Exclusively representing injured victims and their families.*

November 19, 2018

Gallagher Bassett  
Attn: David Flack  
P.O. Box 2934  
Clinton, IA 52733

**My Client:** Roberta Reed  
**Date of Loss:** 12/23/2016  
**Your Insured:** Outback Steakhouse  
**Your Claim No.:** 005269-066826-GB-01

Dear Mr. Flack:

The following will serve as a demand submitted on behalf of our client Roberta Reed. Ms. Reed has instructed our office to commence settlement negotiations in an attempt to amicably resolve this claim.

#### **FACTS AND LIABILITY**

This claim is related to injuries which occurred on December 23, 2016. Ms. Reed was a patron at Outback Steakhouse located on 521 North Stephanie Street in Henderson, Nevada. Upon exiting the restroom, Ms. Reed slipped and violently fell to the ground due to an excessive amount of water that had been carelessly/recklessly left on the floor. Ms. Reed fell with such force that her head hit the wooden edge of a booth, causing her head to split open and knocking her unconscious. This was a very serious fall, through no fault of Ms. Reed's, but instead as a result of your employee's negligence and disregard for customer safety.

As a result of her injuries, Ms. Reed sought and received medical treatment as set forth below.

### TREATMENT

A City of Henderson ambulance arrived on the scene and transported Ms. Reed to Stephen Storey, M.D. in the Emergency Room at Henderson Hospital. Dr. Storey ordered Ms. Reed to undergo the following:

- EKG
- X-Ray Chest
- CT of the Brain w/o Contrast
- CT Cervical Spine w/o Contrast

Ms. Reed underwent the following procedure:

- Laceration Repair- #4 Sutures

### DIAGNOSES

- Acute Head Injury
- Facial Laceration

Ms. Reed returned home to Reno, Nevada to continue treatment for the injuries she sustained.

On December 30, 2016, Ms. Reed presented to Mark Brune, M.D. at Carson Tahoe Health Physician Clinics. Dr. Brune noted the following:

**Concussion Syndrome:** Has some slowness of thought and trouble concentrating as well as history of brief LOC. Indicated that she should be limiting work hours for the next week and avoid excessive eyestrain/reading.

**Head Trauma:** She is having some mild blurring excess tearing out of her right eye with no obvious field deficits. No signs of ocular trauma.

**Cervical Sprain:** Mild. Demonstrated a home range of motion program.

**Laceration of Periorbital Area:** Healing well and stiches will be removed today.

### DIAGNOSES

- F07.81 Concussion Syndrome
- S03.90XA Head Trauma
- S13.9XXA Cervical Sprain
- S01.81XA Laceration of Periorbital Area

Ms. Reed continued her treatment with Dr. Brune through July 13, 2017.

On January 5, 2017, Ms. Reed presented to Hardeep Dhindsa, M.D. at HD Retina Eye Center. Dr. Dhindsa noted the following:

Patient states she fell at a restaurant about 2 weeks ago, and states her eye was "swollen" and "puffy" the day she fell. Patient states when she closes her eyes she notices flashes of light occasionally. Patient states her left eye looks foggy since her accident when she fell. She required stitches on her right temple. No ocular damage seen on today's exam since recent fall, vision cloudiness may be due to the vitreous.

On July 10, 2017, Ms. Reed presented to Carson Tahoe Health to undergo the following treatment:

- Therapeutic Exercise
- Manual Therapy

Ms. Reed continued her treatment at Carson Tahoe Health through July 25, 2017.

To date, Ms. Reed has incurred the following expenses:

<u>PROVIDER</u>	<u>D.O.S</u>	<u>CHARGES</u>
1. City of Henderson	12/23/16	\$ 985.53
2. Desert Radiologists	12/23/16-1/17/17	443.26
3. Henderson Hospital	12/23/16	14,916.00
4. Shadow Emergency	12/23/16	2,746.00
5. Carson Tahoe Health Physician	12/30/16-7/13/17	1,088.00*
6. HD Retina	1/5/17	90.41
7. Carson Tahoe Out Patient Therapy	7/10/17-7/25/17	1,676.00
8. Prescriptions	5/23/17-8/10/17	45.00
<hr/>		
<b>TOTAL</b>		<b>\$ 21,990.20</b>

#### Duress and Loss of Enjoyment

Medical Residuals: Ms. Reed still suffers from problems with her eyes, headaches and migraines. The migraines can get so painful that they make her sick to her stomach and she becomes dizzy.

Occupational hardship: Ms. Reed is a Chief Financial Officer and could not take time off from her job duties after this injury. She is responsible for important and integral duties and responsibilities that no one else in her business is capable of performing. Ms. Reed had no other option than to suffer through the pain and discomfort and perform her job duties.

Emotional/anxiety: Ms. Reed now gets very nervous when she is walking and now looks at the ground when she is walking. More, she gets nervous whenever she puts on any shoes that remind her of what she wore on the night of the subject incident.

**Hobbies:** There are many things that Ms. Reed can no longer do. For example, she cannot read like she used to, as it causes pain to her eyes; she can no longer sew like she used to because of the concentration it requires; she has an elliptical machine that she can longer use because of the motion which causes her to become light-headed and dizzy.

**Family/Daily Life:** Due to the laceration on her head she had to be very careful. Her sleep patterns were disturbed as she could not get comfortable in bed at night and would toss and turn a lot. She had to purchase a long roller to help ease the pain.

### CONCLUSION

Ms. Reed has directed me to demand \$97,500.00 for settlement of this claim. This demand will expire thirty (30) days from the date of this correspondence. Should you require any additional information to conclude your evaluation, please do not hesitate to contact us.

Sincerely yours,  
NETTLES LAW FIRM  
  
Brian D. Nettles, Esq.

BDN/jf

### EXHIBITS ENCLOSED:

1. Photos
2. Medical Bills and Records: City of Henderson
3. Medical Bills and Records: Desert Radiologist
4. Medical Bills and Records: Henderson Hospital
5. Medical Bills and Records: Shadow Emergency
6. Medical Bills and Records: Carson Tahoe Health
7. Medical Bills and Records: HD Retina
8. Medical Bill: Carson Tahoe Out Patient Therapy- RECORDS FORTHCOMING
9. Medical Bills and Records: Prescriptions